

**MEDICAL EXAMINING BOARD  
MINUTES  
JULY 15, 2009**

**PRESENT:** Carolyn Bronston, Jude Genereaux, Dr. Jerold Harter, Dr. Sujatha Kailas, Dr. Jack Lockhart, Dr. Raymond Mager, Dr. Suresh Misra, Dr. Gene Musser, Dr. Sandra Osborn, Dr. Bhupinder Saini, Dr. Sheldon Wasserman

*(Dr. Jerold Harter arrived during roll call.)*

**EXCUSED:** Dr. Ian Munro

**STAFF:** Gail Sumi, Division Administrator; Michael Berndt, Legal Counsel; Kimberly Wood, Bureau Assistant; other DRL staff

**GUESTS:** Mark Grapentine, Wisconsin Medical Society; Anne Hletko, Council on Physician Assistants; Jay Lamine, Wisconsin Hospital Association; Patricia Epstein, Bell, Gierhart & Moore, SC; Armaan Shaikl, Midwestern University (AZCOM); Jeremy Levin, Rural Wisconsin Health Cooperative

**CALL TO ORDER**

Gene Musser, Chair, called the meeting to order at 8:02 a.m. a quorum of 11 (eleven) members was present.

**APPROVAL OF AGENDA**

**Amendments:**

- Between Items “B & C” (open session) ADD: Requests for Disciplinary Proceeding Presentations Received in the Bureau After Mailing of Agenda:
  - Randall W Jennings, MD (05 MED 117)
  - James A. Shapiro, MD (06 MED 236)
- Between Items “C & D” (open session) ADD: Administrative Report – Susan Bird Appearance on Oral Exam Procedures: Research Document Provided by Susan Bird re: Oral Examinations and Interview Processes in Other Jurisdictions
- Item “L” (closed session) ADD: Deliberation of Proposed Decision and Order in the matter of Disciplinary Proceedings against Bruce E. Greenfield:
  - Objections by Respondent to Proposed Decision
  - Complainant’s Response to Respondent’s Objection to Proposed Decision
- Between “O & P” (closed session) ADD: Deliberation of Proposed Stipulations Received After in the Bureau After Mailing of Agenda:
  - Randall W. Jennings, MD (05 MED 117)
  - James A. Shapiro, MD (06 MED 236)

- Item “P” (closed session) Correct: Monitoring – Change the listed time of appearance for Kenneth Kurt, DO from 11:10 A.M. to 11:30 A.M.

**MOTION:** Raymond Mager moved, seconded by Sujatha Kailas, to approve the agenda as amended. Motion carried unanimously.

### **APPROVAL OF MINUTES OF JUNE 17, 2009**

#### **Amendments to the Minutes:**

- Page 5 of the Minutes: Under “Graduate Medical Education Discussion” change the last sentence of the related motion as follows: Motion carried ~~unanimously~~. **Opposed – 1**
- Page 6 of the Minutes: Under “Alternative Medicine Discussion” change the last sentence of the related motion as follows: Motion carried ~~unanimously~~. **Opposed – 1**
- Page 10 of the Minutes: Under “Steven Mason, MD, Request for Modifications of Order” change the second to last sentence of the motion to read: Dr. Mason ~~cannot~~ **may not** re-petition for modifications for six (6) months.

**MOTION:** Suresh Misra moved, seconded by Sujatha Kailas, to approve the Minutes of June 17, 2009 as amended. Motion carried unanimously.

### **PRESENTATIONS OF PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS**

#### **RICHARD DAY, MD**

DOE attorney Pamela Stach presented a Proposed Stipulation and Final Decision and Order in the matter of disciplinary proceedings against Richard Day, MD. This matter will be deliberated in closed session.

#### **JUNE LEWANDOSKI, MD**

DOE attorney Jack Zwieg presented a Proposed Stipulation and Final Decision and Order in the matter of disciplinary proceedings against June Lewandoski, MD. This matter will be deliberated in closed session.

#### **JAMES JOSEPH LOGAN, MD**

DOE attorney Jack Zwieg presented a Proposed Stipulation and Order and Consideration of any Objections in the matter of disciplinary proceedings against James Joseph Logan, MD. This matter will be deliberated in closed session.

**PRESENTATION OF PETITION FOR EXAMINATION OF RESPONDENT IN  
DISCIPLINARY PROCEEDINGS AGAINST**

**WILLIAM HOBBS, MD  
LS0807291MED**

Jack Zwieg, DOE Attorney, and Patricia Epstein, Attorney for the Respondent, presented oral arguments regarding the Petition for Examination of Respondent in Disciplinary Proceedings in the matter of disciplinary proceedings against William Hobbs, MD, LS0807291MED. This matter will be deliberated in closed session.

**ORAL ARGUMENTS IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST**

**WALTER R. BOISVERT, MD  
LS0805201MED**

Attorney Thomas Taylor, representation for the respondent, appeared before the Board to request postponement of deliberation of this matter as Dr. Boisvert was unable to appear before the Board due to an emergency situation. In light of the extenuating circumstance the Board agreed to table deliberation of this matter until its August meeting.

**BRUCE E. GREENFIELD, MD  
LS0706261MED**

Jack Zwieg, DOE Attorney, and Bruce Greenfield accompanied by his representation, Attorney Thomas Halloran, appeared before the Board to present oral arguments in the matter of disciplinary proceedings against Bruce E. Greenfield, MD., LS0706261MED.

*(Michael Berndt, General Counsel, left the room for the presentation of oral arguments relating to Dr. Bruce Greenfield. Colleen Baird, Legal Counsel, provided legal advice to the Board for the duration of this presentation.)*

**ADMINISTRATIVE REPORT**

**Medical Examining Board Staffing and Structure Update**

Hector Colon, Executive Assistant, appeared to update the Board on the status of Department planning regarding the inception of a new bureau to handle the regulation and related functions for the Medical Examining Board and its subsidiary Boards, Committees and Councils.

The Board was advised that Secretary Jackson has appointed a team to address the implementation of this new bureau. The implementation team appointees are Michael Berndt, General Counsel; Bruce Cameron, Special Assistant to the Secretary; Hector Colon, Executive

Assistant; Gene Musser, Chair – Medical Examining Board; Tom Ryan, Bureau Director; Gail Sumi, Administrator – Division of Board Services (DBS) and Pamela Stach, Attorney – Division of Enforcement (DOE). Hector Colon informed the Board that this team has met several times to discuss details relating to bureau structure, assignment of new and transferred staff, the identification of team goals in planning for the new bureau and to research processes to identify streamlining potential.

The Board was then advised of the distribution of positions relating to the new bureau. Nine (9) current Department of Regulation and Licensing employees will be transferred to the new bureau, and eight (8) new positions have been gained two (2) of which will be two-year project positions. The distribution of staff is as follows:

<b>NEW POSITIONS</b>	
<b>SIX (6)</b>	
• Bureau Director – Full Time	• DOE Attorney – Full Time
• Bureau Assistant – Half Time	• Paralegal – Half Time
• Legal Counsel – Full Time	• License Permit Associate – Full Time
• DOE Attorney Supervisor – Full Time	

  

<b>NEW POSITIONS (PROJECT)</b>	
<b>TWO (2)</b>	
• Investigator	• Paralegal

  

<b>TRANSFERRED POSITIONS</b>	
<b>NINE (9)</b>	
• 3 DOE Attorneys	• 1 Paralegal
• 3 Investigators	• 2 License Permit Associates

The Board discussed the planning for the new bureau and was encouraged to provide feedback. Hector Colon was requested to provide the Board with an organizational chart, and position information presented at this meeting.

### **E-Credential e-mail**

Cathy Pond, Administrator – Division Professional Credentialing, appeared before the Board to discuss a proposal in the addition of a requirement for submission of an e-mail address as a condition for renewal. It was stated that by the end of renewal 85% to 95% of e-mail address will have been collected. The Board was notified that the majority of licensees utilize online renewal and as such have already supplied an e-mail address for that purpose, that the Department is working to launch online application submission by June 2011 and is confident that this will bolster longer term efforts to collect e-mails for licensees and has added a request for an e-mail address to the application form for licensure. Michael Berndt advised the Board that the addition of a requirement to make the submission of an e-mail address mandatory for renewal would require legislation.

### **Oral Exam Procedures**

Susan Bird, Examination Specialist, came before the Board to outline the process utilized in the facilitation of oral examinations. The Board reviewed the need for changes to the current examination and discussed a research document which was submitted by Susan Bird regarding the processes employed in the examination of applicants. The Board discussed the methods utilized by other jurisdictions, with similar licensure requirements to Wisconsin, in the examination of candidates where competency may be questioned. SPEX (Special Purpose Examination), which is administered by the Federation of State Medical Boards (FSMB), was discussed and questions were raised. The Board also discussed rules and statutes pertaining to oral examination requirements. It was requested that Susan Bird gather more details about SPEX including related costs. Additionally, Susan Bird will work with Jack Lockhart to review the listing of when to require oral examinations of applicants. This topic will be revisited at its August meeting.

### **CONSIDERATION OF SCOPE STATEMENT FOR CREATING A RULE THAT WILL REQUIRE INFORMED CONSENT FROM PATIENTS THAT WILL BE UNDERGOING CHELATION THERAPY FOR OFF-LABEL PURPOSES OF TREATMENT**

The Board reviewed a draft scope statement which creates requirements in order to provide off-label treatment of chelation therapy.

**MOTION:** Sujatha Kailas moved, seconded by Sheldon Wasserman, to adopt the scope statement which creates a requirement for informed consent to be obtained in order to provide off-label treatment of chelation therapy. Motion carried. Opposed – one (1)

### **REGULATORY DIGEST**

Sujatha Kailas reported the status of the Regulatory Digest. The Board reviewed the final draft of the digest and was informed that it would be distributed later in the day. The Regulatory Digest will be e-mailed to a number of professional associations for distribution to their respective membership. At the next meeting the Board will be updated on any response or feedback received.

### **SCREENING PANEL REPORT**

Carolyn Bronston reported that forty-one (41) cases were screened and that ten (10) of those cases were opened.

## LEGISLATIVE LIAISON REPORT

### **Letter Regarding Assembly Bill 267, Relating to Licenses and Limited X-ray Machine Operator Permits to Engage in the Practice of Radiography, Creating a Radiography Examining Board, Granting Rule-Making Authority and Requiring the Exercise of Rule-Making Authority.**

The Board was advised of AB 267 which would create an independent examining board and would create a requirement to obtain a credential to practice Radiography. The Department felt that this new profession would operate most smoothly as an affiliate to the Medical Examining Board. The Board then reviewed correspondence from the Department Secretary with co-signature provided by Gene Musser (it was noted that he was not acting on the behalf of the Board) which was sent to Representative Terese Berceau and Senator John Lehman. The Board reviewed this correspondence, briefly discussed the intent of AB 267 and supported Secretary Jackson in her request.

**MOTION:** Sheldon Wasserman moved, seconded by Raymond Mager, to support the creation of a board to regulate Radiography as an affiliated credentialing board under the Medical Examining Board. Motion carried unanimously.

### **LRB 1703/1 by Rep. Meyer, Relating to: Requiring Informed Consent Before Administration of Psychotropic Medication to a Nursing Home or Community-based Residential Facility Resident who has Degenerative Brain Disorder.**

The Board reviewed LRB 1703/1. The Board discussed this bill and took the following action:

**MOTION:** Jerold Harter moved, seconded by Raymond Mager, to authorize Gene Musser to issue a statement conveying the Medical Examining Board's opposition to LRB 1703/1 as written. Motion carried unanimously.

## **FEDERATION OF STATE MEDICAL BOARDS (FSMB) UPDATE**

Gene Musser began the Federation of State Medical Boards (FSBM) update by discussing that Regina Benjamin, MD, outgoing Chair of the FSMB Board, has been nominated as United States Surgeon General. Dr. Benjamin awaits Senate confirmation.

Dr. Musser also advised that in three weeks time he will attend a meeting of the Federation's Education Committee (formerly titled Program Committee). The charge of this committee is to set the program for the FSMB 2010 Annual Meeting which is to be held in Chicago, IL. The Board was asked for suggestions for topics for the Annual Meeting.

Sujatha Kailas advised that she had no news from the FSMB Nominating Committee to report. The Foundation Board will meet next week and she will probably have more to report at the August meeting.

Dr. Kailas then discussed NASPA grants and provided information to the Board regarding the information she has collected. The Board noted that the application deadline for these grants is July 27, 2009.

### **IPP TASKFORCE REPORT**

Gene Musser provided the Board with a couple of articles from Mayo Clinic regarding physician dependency. Sandra Osborn reported that the last meeting of the IPP Taskforce was June 19, 2009. At this meeting the Taskforce finalized its recommendations. Department Secretary, Celia Jackson, appeared at this meeting to ask the Taskforce members if they were willing to continue their role in a follow-up Committee. Sandra Osborn indicated that the Committee was requesting that the name of the program be changed from "Impaired Professional Procedure" (IPP) to "Professional Assistance Program" (PAP).

### **APPLICATION ISSUES RECEIVED IN THE BUREAU AFTER MAILING OF THE AGENDA**

None.

### **EXAMINATION ISSUES RECEIVED IN THE BUREAU AFTER MAILING OF THE AGENDA**

None.

### **CONTINUING EDUCATION ISSUES RECEIVED IN THE BUREAU AFTER MAILING OF THE AGENDA**

None.

### **PRACTICE QUESTIONS RECEIVED IN THE BUREAU AFTER MAILING OF THE AGENDA**

#### **Memo from Colleen Baird, Division of Board Services Legal Counsel and Related Correspondence Regarding Hospital Lab Accepting Order from Out-of-State Physicians**

The Board reviewed a memo from Colleen Baird, former Legal Counsel to the Board, to Michael Berndt, General Counsel, regarding the acceptance of lab orders from out-of state physicians. It was noted that the Board would need to consider rulemaking regarding telemedicine. Michael Berndt then advised that the Department would need input from the Board in order to begin rule writing and/or legislation regarding telemedicine. Sheldon Wasserman and Sujatha Kailas will work with Michael Berndt and Gail Sumi to identify concerns or issues that will need to be considered during the rule writing process and will assist in the formulation of a recommendation. The Board indicated that this could be a good way to address licensing issues for Minnesota

physicians. Comments regarding this issue were provided by Judy Warmuth, Wisconsin Hospital Association.

### **APPEARANCES FROM REQUESTS RECEIVED IN THE BUREAU AFTER MAILING OF THE AGENDA**

None.

### **INFORMATIONAL ITEMS**

None.

### **OTHER BUSINESS**

None.

### **PUBLIC COMMENTS**

Mark Grapentine informed the Board of comments that were provided at the Senate Judiciary Committee and applauded the Board for the efforts currently being made to review and improve the current processes.

### **CONVENE TO CLOSED SESSION**

**MOTION:** Sujatha Kailas moved, seconded by Sheldon Wasserman, to adjourn to closed session pursuant to Wisconsin State statutes 19.85(1)(a)(b)(f) and (g) for the purpose of conducting appearances, reviewing monitoring requests and requests for licensure, deliberating on stipulations, administrative warnings, proposed decisions and orders, consulting with Legal Counsel and considering Division of Enforcement case status reports. Roll call vote: Carolyn Bronston-yes; Jude Genereaux-yes; Jerold Harter-yes; Sujatha Kailas-yes; Jack Lockhart-yes; Raymond Mager-yes; Suresh Misra-yes; Gene Musser-yes; Sandra Osborn-yes; Bhupinder S. Saini-yes; Sheldon Wasserman-yes. Motion carried unanimously.

Open Session recessed at 10:48 a.m.

### **RECONVENE IN OPEN SESSION**

**MOTION:** Raymond Mager moved, seconded by Bhupinder Saini, to reconvene in open session. Motion carried unanimously.



Open session reconvened at 1:02 p.m.

**VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION IF  
VOTING IS APPROPRIATE**

**MOTION:** Bhupinder Saini moved, seconded by Sujatha Kailas, to reaffirm all motions made during closed session. Motion carried unanimously.

**ORHAN S. OZKAN, MD  
REQUEST FOR WAIVER OF 12 MONTHS ACGME APPROVED POST GRADUATE  
TRAINING**

Orhan Ozkan, MD, appeared before the Board to request a waiver of the requirement for twelve months of ACGME approved post graduate training.

**MOTION:** Raymond Mager moved, seconded by Suresh Misra, to approve the request for a waiver of the requirement for the twelve (12) months of ACGME approved post graduate training and to find the education substantially equivalent for Orhan S. Ozkan, MD. Motion carried unanimously.

**METE DOLAPCI, MD  
REQUEST FOR VISITING PROFESSOR'S LICENSE**

Mete Dolapci, MD, appeared before the Board for a request for a Visiting Professor's License.

**MOTION:** Suresh Misra moved, seconded by Raymond Mager, to grant a visiting professor's license to Mete Dolapci, MD. Motion carried unanimously.

**DELIBERATION OF PETITION FOR EXAMINATION OF RESPONDENT IN  
DISCIPLINARY PROCEEDINGS AGAINST**

**WILLIAM HOBBS, MD  
(LS0807291MED)**

**MOTION:** Sandra Osborn moved, seconded by Carolyn Bronston, to grant the Petition and Order for Examination of Respondent in Disciplinary Proceedings against William Hobbs, M.D., LS0807291MED. Motion carried. Abstained: Jack Lockhart

*(Dr. Lockhart left the room for deliberation on William Hobbs.)*

**DELIBERATION OF PROPOSED FINAL DECISIONS AND ORDERS**

**WALTER R. BOISVERT, MD  
(LS0805201MED)**

Deliberation of this Final Decision and Order was tabled until the next meeting.

**BRUCE E. GREENFIELD, MD  
(LS0706261MED)**

**MOTION:** Carolyn Bronston moved, seconded by Bhupinder Saini, to adopt the Proposed Decision and Order, including the Findings of Fact, Conclusions of Law and Order in the matter concerning Bruce E. Greenfield, MD., LS0706261MED. Motion carried. Abstained: Jude Genereaux

*(Jude Genereaux and Michael Berndt, General Counsel, left the room for the deliberation of action regarding the Proposed Decision and Order in the matter of Dr. Bruce E. Greenfield. Colleen Baird, Legal Counsel, returned to provided legal advice to the Board for the duration of the deliberation.)*

**DELIBERATION OF PROPOSED STIPULATIONS AND  
FINAL DECISIONS AND ORDERS IN THE MATTER OF  
DISCIPLINARY PROCEEDINGS AGAINST**

**RICHARD P. DAY, MD**

**MOTION:** Sujatha Kailas moved, seconded by Suresh Misra, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of Richard P. Day, MD. Motion carried unanimously.

**JUNE R. LEWANDOSKI, MD**

**MOTION:** Jude Genereaux moved, seconded by Sandra Osborn, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of June R. Lewandoski, MD. Motion carried. Abstained: Jack Lockhart

**JAMES JOSEPH LOGAN, MD**

**MOTION:** Sujatha Kailas moved, seconded by Jerold Harter, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of James Joseph Logan, MD. Motion carried. Abstained: Jack Lockhart

**DELIBERATION OF PROPOSED STIPULATIONS THAT MAY BE RECEIVED IN  
THE BUREAU AFTER MAILING OF AGENDA**

**RANDALL W. JENNINGS, MD**  
**(05 MED 117)**

**MOTION:** Jack Lockhart moved, seconded by Bhupinder Saini, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of Randall W. Jennings, MD. Motion carried. Opposed – five (5)

**JAMES A. SHAPIRO, MD**  
**(06 MED 236)**

**MOTION:** Jerold Harter moved, seconded by Raymond Mager, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of James A. Shapiro, MD. Motion carried. Abstained: Jack Lockhart

**MONITORING**

**KENNETH KURT, DO**  
**CONSIDER POSSIBLE VIOLATION OF BOARD ORDER**

Kenneth Kurt, DO appeared before the Board with his attorney Kevin Miliken, to address the Board's consideration of a possible Board Order violation. After deliberation the Board found that there was not a violation of the Board Order.

*(Raymond Mager left the room for Kurt Kenneth's appearance as well as the deliberation of this issue.)*

**JENE VAN DEN HOUT, R.C.P.**  
**REQUEST FOR REINSTATEMENT OR STAY**

**MOTION:** Sujatha Kailas moved, seconded by Bhupinder Saini, to deny Jene Van Den Hout, R.C.P.'s request for reinstatement of license. Reason for Denial: Failure to fully comply with the standing Board Order. Motion carried unanimously.

**Consulting with Legal Counsel**

Michael Berndt was available to provide consultation to the Board throughout the duration of closed session.

**Division of Enforcement – Meeting with Individual Board Members**

Noted.

**DIVISION OF ENFORCEMENT  
CASE STATUS AND CASE CLOSINGS**

**08 MED 352**

**MOTION:** Suresh Misra moved, seconded by Jerold Harter, to close case # 08 MED 352 for no violation. Motion carried unanimously.

**07 MED 298**

**MOTION:** Suresh Misra moved, seconded by Raymond Mager, to close case # 07 MED 298 for no violation. Motion carried unanimously.

**08 MED 276**

**MOTION:** Sujatha Kailas moved, seconded by Jude Genereaux, to close case # 08 MED 276 for no violation. Motion carried unanimously.

**07 MED 434**

**MOTION:** Bhupinder Saini moved, seconded by Jerold Harter, to close case # 07 MED 434 for insufficient evidence. Motion carried unanimously.

**RATIFYING LICENSES AND CERTIFICATES**

**MOTION:** Jack Lockhart moved, seconded by Suresh Misra, to ratify all licenses and certificates presented. Motion carried unanimously.

**ADJOURNMENT**

**MOTION:** Jack Lockhart moved, seconded by Carolyn Bronston, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 1:05 p.m.